

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 23-CR-44-JFH
V.)	
)	
CHRISTIAN LOPEZ,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR VARIANCE

Comes Now, Defendant Christian Lopez (Lopez), through his counsel of record Shena E. Burgess, and respectfully request this Court to grant a variance and sentence Mr. Lopez to a 1 year probationary sentence.

Procedural History:

A warrant was issued for Mr. Lopez and he was arrested on March 29, 2023. On March 30, 2024, He was arraigned before Magistrate Judge Gerald L. Jackson and counsel was appointed. On July 19, 2023, Mr. Lopez appeared before Magistrate Judge Jackson for a change of plea. He was allowed to remain out of custody since he had and still has complied with all pretrial services rules and conditions.

Mr. Lopez was charged with False Statement During Purchase of a Firearm in violation of 18 U.S.C. § 924 (a)(1)(A) Mr. Lopez is facing a range of punishment of 0 to 5 years, up to a \$250,000.00 fine and supervised release of not more than three years. He took full responsibility for his actions in this case. Mr. Lopez’s total offense level is 13 with a criminal offense level of I (zero points). His current guideline is 12 months to 18 months.

Counsel for Mr. Lopez anticipates the sentencing hearing will take less than an hour and does not anticipate calling any witnesses.

Degree of Relief Requested

Mr. Lopez requests the Court consider his variance requests which would allow him the appropriate time of probation. He is presently in Zone C of the advisory sentencing guidelines at 12 to 18 months. Mr. Lopez requests variance of at least four levels to a level 8 placing him in Zone A and a range of 0-6 months. Zone A would allow this court to allow Mr. Lopez to remain in his home and taking care of his wife and children.

Argument in Support of Requested Relief – Justification under 18 U.S.C. § 3553 (a)

The statute lists seven (7) factors a sentencing judge should consider when determining an appropriate sentence in an individual case. The defendant requests that the Court consider these factors as illustrated in the sentencing memorandum.

Conclusion

For the reasons set forth, Mr. Lopez respectfully requests the Court consider a variance articulated in Title 18 U.S.C. §3553(a) along the Motion for downward departure and the Sentencing Memorandum. Mr. Lopez asserts that the grounds for his request, taken together, justify a variance which would permit a lower sentence than the guidelines suggest to the Court.

Respectfully Submitted,

SMILING, SMILING & BURGESS

s/Shena E. Burgess

By

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2024, the foregoing instrument was electronically transmitted to the following ECF registrants:

Erin Cornell, AUSA
Assistant US Attorney

s/Shena E. Burgess